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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,383	12/20/2001	Rohit Dewan	062891.0624	4868
5073	7590	09/09/2004	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			NGUYEN, QUYNH H	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 09/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,383

Applicant(s)

DEWAN, ROHIT

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6-10, 12-17, and 19-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Elazar (U.S. Patent 6,542,602).

Regarding claim 1, Elazar teaches a monitoring and recording system, said system comprising: a speech analyzer to monitor a conversation (Fig. 1, monitoring system 16) between a first caller (telephone calls from external telephonic network 12) and a second caller (Fig. 1, 14); a recording device (col. 7, lines 11-13 and col. 8, lines 59-62), said recording device recording the conversation (col. 2, lines 30-33); a controller (event manager 32), said controller determining whether a parameter of said conversation exceeds a threshold (col. 4, lines 26-30); a storage device (Fig. 1, 26), said storage device storing the conversation during the conversation (col. 5, lines 11-15 and col. 6, lines 65-66) and retaining the stored conversation after termination of the conversation if the parameter of the conversation exceeds the thresholds (col. 5, lines 15-18).

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Regarding claims 2, 9, 16, 23, and 30, Elazar teaches the speech analyzer analyzes variations in at least one frequency of the conversation (col. 8, lines 4-7).

Regarding claims 3, 10, 17, 24, and 31, Elazar teaches the speech analyzer analyzes variations and amplitude of the conversation (col. 11, line 59 through col. 12, line 3).

Regarding claims 6, 7, 13, 14, 28, and 29, Elazar teaches a telephone switch, a network hub (Fig. 1, 10 and 12) for routing the conversation the second caller.

Claims 8 and 21 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Elazar teaches the recording device selectively storing at least on signal in response to the monitoring (col. 12, lines 23-33).

Regarding claim 12, Elazar teaches a controller triggering the recording to store at least one signal in response to the monitoring of the speech analyzer (col. 12, lines 21-33).

Claim 15 is rejected for the same reasons as discussed above with respect to claim 8. Furthermore, Elazar teaches the event manager 32 controls voice logger and screen logger to begin recording audio and screen data of a telephone call for which an event notification has been received (col. 7, lines 28-32) reads on claimed a notification device notify selectively sending a notification in response to the monitoring of the speech analyzer.

Regarding claim 19, Elazar teaches the supervisor station comprises one of a general-purpose computer and telephone (Fig. 1, 18 and 24).

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Regarding claim 20, Elazar teaches the notification device is part of the event manager comprises at least one of a general-purpose computer (col. 7, lines 28-34).

Claim 22 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Elazar teaches receiving a conversation from a first caller (col. 8, lines 53-55).

Regarding claims 25 and 26, Elazar teaches receiving at least one signal (Fig. 3, 100 and 200); monitoring at least one signal based upon changes in at least one of frequency an amplitude of the at least one signal (col. 11, line 62 through col. 12, line 3); selecting sending a trigger in response to the monitoring (col. 12, lines 15-33).

Claim 27 is rejected for the same reasons as discussed above with respect to claim 15.

Claim 32 is rejected for the same reasons as discussed above with respect to claim 25. Furthermore, Elazar teach logic coded in a memory device to monitor and record speech signals and selectively store and notify in response to the monitoring (col. 12, lines 59-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 11, and 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Elazar (U.S. Patent 6,542,602).

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Regarding claims 4, 5, and 11, Elazar does not detailing suggest the recording device / storage device comprises one of a hard drive, a tape recorder, random access memory, dynamic random access memory, flash memory, and a magnetic-optical drive. However Elazar teaches a storage device (Fig. 1, 26) and a recording device (col. 7, lines 11-13 and col. 8, lines 59-62), said recording device recording the audio portion of a telephone call / conversation (col. 2, lines 30-33 and col. 4, lines 39-45). It would have been obvious or at least inherent that there exists at least a recording medium such as a tape record to record the audio conversation.

Regarding claim 18, Elazar teaches monitoring system 16 provides audio and screen data and other data to one or more supervisor stations (col. 6, line 65 through col. 7, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the supervisor station would also receive other data such as notification.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kuhn (U.S. Patent 6,263,049) teaches non-random call center supervisory method and apparatus.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

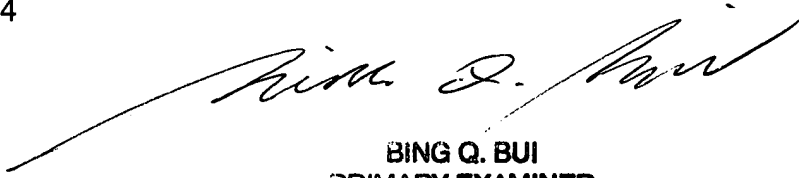
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen
September 7, 2004



BING Q. BUI
PRIMARY EXAMINER